

State laws to any branch in such State of an out-of-State bank, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, lines 2 and 3, strike out "Clarification" and insert "Amendments".

Page 2, line 5, before "Subsection" insert:

(a) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—

Page 3, strike out lines 3 through 7 and insert:

"(3) SAVINGS PROVISION.—No provision of this subsection shall be construed as affecting the applicability of—

"(A) any State law of any home State under subsection (b), (c), or (d) of section 44; or

"(B) Federal law to State banks and State bank branches in the home State or the host State.

Page 3, after line 10 insert:

(b) LAW APPLICABLE TO INTERSTATE BRANCHING OPERATIONS.—Section 5155(f)(1) of the Revised Statutes (12 U.S.C. 36(f)(1)) is amended by adding at the end the following:

"(C) REVIEW AND REPORT ON ACTIONS BY COMPTROLLER.—The Comptroller of the Currency shall conduct an annual review of the actions it has taken with regard to the applicability of State law to national banks (or their branches) during the preceding year, and shall include in its annual report required under section 333 of the Revised Statutes (12 U.S.C. 14) the results of the review and the reasons for each such action. The first such review and report after the date of enactment of this subparagraph shall encompass all such actions taken on or after January 1, 1992."

Page 3, after line 10 insert:

### SEC. 3. RIGHT OF STATE TO OPT OUT.

Nothing in this Act alters the right of States under section 525 of Public Law 96-221.

Amend the title so as to read: "An Act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes."

Mrs. ROUKEMA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentlewoman from New Jersey?

Mr. VENTO. Mr. Speaker, reserving the right to object, I would take this opportunity to acknowledge changes that were made in this time-sensitive legislation by the other body.

I yield to the gentlewoman from New Jersey [Mrs. ROUKEMA], the subcommittee chairman, for an explanation.

□ 1030

Mrs. ROUKEMA. Mr. Speaker, on May 21, 1997, the House considered H.R. 1306, the Riegle-Neal Clarification Act of 1997. It was considered under suspension of the rules. The bill passed the House unanimously and without controversy. This bill had strong bipartisan support and clarifies the ambigu-

ities of the Riegle-Neal interstate bill and preserves the dual banking system by allowing an out-of-State branch of a State bank to offer the same products allowed in its home State as long as the host State banks or national bank branches in the State may exercise those same powers.

In addition, the bill provides that the host State law will apply to those out-of-State branches to the extent that it also applies to national banks.

This bill does not authorize, and I stress this, does not authorize new powers for State banks. It preserves the right of a State to decide how banks it charters and supervises are operated and what activities those banks can conduct.

On June 12, 1997, the Senate passed H.R. 1306 with the following amendments: First, retitles the bill as the Riegle-Neal Amendment Act of 1997; second, ensures that a Federal law that applies to a State chartered bank also applies to branches of that bank and other States; third, requires the Comptroller of the Currency to include in its annual report to Congress a review and report of actions taken with regard to the applicability of State law to branches of national banks, including a review of all such actions taken since January 1, 1992; and fourth, and finally, it preserves a State's right to opt out of the Depository Institutions Regulatory and Monetary Control Act of 1980. That act authorized State chartered banks to charge interest rates comparable to those available to federally chartered banks.

H.R. 1306's intent was to provide parity between national and State chartered banks in an interstate environment as well as to ensure the viability of the dual banking system is unaffected by the Senate's changes and those changes are acceptable, it is my understanding, to both the majority and the minority members of the Committee on Banking and Financial Services.

It is essential that this legislation be enacted into law as soon as possible. On June 1, interstate branching became effective in 48 of the 50 States. In the interstate environment that now exists, State banks will be at a distinct disadvantage to national banks if we fail to take this action today. Failure to remedy this disadvantage will certainly have a negative and counterproductive effect on our dual banking system.

Mr. VENTO. Further reserving the right to object, Mr. Speaker, the House passed H.R. 1306 on suspension calendar on June 1. The deadline for State action to limit interstate branching within the States was June 1, and although we are a bit tardy, this bill is no less important to maintain the viability of State bank charters today, than it was in May.

As has been explained by the subcommittee chairman, the title was changed, the application of Federal law to out-of-State State banks is further

clarified. A State's right to opt out of the Depository Institutions Deregulation and Monetary Control Act was preserved, and, importantly, as this measure does not impact the Comptroller of the Currency's administration of national banking law resulting in the preemption of State laws when such preemption is warranted for national banks, thus opening up preemption capabilities for out-of-State State banks, the Senate amendments propose that an annual report be required of the OCC to show when and where preemption of State law took place in a previous year.

Mr. Speaker, I have no objection to this, and I urge support for the bill.

Mr. Speaker, reserving the right to object, I would like to take this opportunity to acknowledge that changes were made to this time-sensitive legislation by the other body, and would yield to the subcommittee chairwoman, Mrs. ROUKEMA from New Jersey, for an explanation.

Continuing my reservation, the House passed H.R. 1306 on the suspension calendar in an attempt to enact law prior to June 1, 1997, the deadline for State action to limit interstate branching with the States. Although we are a bit tardy, this bill is no less important to maintain the viability for the State bank charter today, than it was in May.

As has been explained, the title was changed; the application of Federal law to out-of-State State banks was further clarified; a State's right to opt out of the DIDA [the Depository Institutions' Deregulation and Monetary Control Act] was preserved; and, importantly, as this measure will not impact the Comptroller of the Currency's administration of national bank law resulting in the preemption of State laws when such preemption is warranted for national banks—thus opening up preemption capabilities for out-of-State State banks—the Senate amendments propose that an annual report will be required of the OCC to show when and where preemption of State law took place in the previous year.

Mr. Speaker, I will not object to moving this bill which will help preserve a healthy dual banking system. I withdraw my reservation to object and ask my colleagues for their support on this measure, H.R. 1306 as amended.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. RADANOVICH). Is there objection to the original request of the gentlewoman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

### AUTHORIZING EXTENSION OF AUTHORITY TO USE THE ROTUNDA FOR CEREMONY COMMEMORATING THE PLACEMENT OF THE PORTRAIT MONUMENT

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the authorization contained in House Concurrent Resolution 216, which was passed in the 104th Congress, relating to the use of the rotunda for a ceremony to commemorate the placement of the Portrait Monument in the Capitol rotunda, be extended into this, the 105th

Congress, subject to concurrence by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HOYER. Reserving the right to object, Mr. Speaker, and I will not object, but if there is any further explanation necessary, I will yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, since the Portrait Monument was actually placed in the rotunda in the 105th Congress we had created an opportunity for a ceremony in the 104th. Given the rules since the 104th expired, there is no current ability to hold a ceremony. What we are asking for is to bring that ceremony authorized in Concurrent Resolution 216 into the 105th, based upon concurrence by the Senate.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

#### FEDERAL BENEFICIARY CLARIFICATION ACT

The Clerk called the bill (H.R. 1316) to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

The Clerk read the bill, as follows:

H.R. 1316

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DOMESTIC RELATIONS ORDERS.

Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking “(a) The” and inserting “(a) Except as provided in subsection (e), the”; and

(2) by adding at the end the following:

“(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

“(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

“(3) A designation under this subsection with respect to any person may not be changed except—

“(A) with the written consent of such person, if received as described in paragraph (2); or

“(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

“(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.”.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

#### COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the amendment recommended by the Committee on Government Reform and Oversight.

The Clerk read as follows:

Committee amendment in the nature of a substitute: strike out all after the enacting clause and insert:

#### SECTION 1. DOMESTIC RELATIONS ORDERS.

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(1) in subsection (a) by striking “(a) The” and inserting “(a) Except as provided in subsection (e), the”; and

(2) by adding at the end the following:

“(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

“(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

“(3) A designation under this subsection with respect to any person may not be changed except—

“(A) with the written consent of such person, if received as described in paragraph (2); or

“(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

“(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.”.

#### SEC. 2. DIRECTED ASSIGNMENT.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking “(e)” and inserting “(e)(1)”; and

(2) by adding at the end the following:

“(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation, many direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.”.

Mr. MICA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] each will control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today and at this time is a time we have designated for technical corrections. This is a procedure that was instituted by the Republican leadership when we assumed majority control of the Congress, and it is an effort to try to expedite legislation technical in nature but necessary for the conduct of business both for the Congress and in the operation of our Federal Government, and that is the purpose of our proceedings here this morning.

Today we take up a bill in rapid order. It has moved through our Subcommittee on Civil Service and through the full Committee on Government Reform and Oversight to the floor today in rapid time and was introduced by the distinguished gentleman from Georgia [Mr. COLLINS]. And let me say, Mr. Speaker, that this bill, H.R. 1316, addresses an inequity in the Federal Government Employees Group Life Insurance program.

Under current law, domestic relations orders such as divorce decrees or property settlement agreements do not affect the payment of life insurance proceeds. Instead, distribution of the proceeds is controlled by statute. When the policyholder dies, the proceeds are paid to the beneficiary designated by the policyholder, if there is one, or to other individuals specified by statute.

H.R. 1316, which again is introduced by the gentleman from Georgia [Mr. COLLINS], amends the law to require that the Office of Personnel Management should pay the proceeds in accordance with certain domestic relations orders or court-approved property settlements. This is similar to the law's treatment of retirement annuities, which the Office of Personnel Management must also allocate in accordance with divorce decrees.

The bill also allows courts to direct an employee to assign the policy to a specific individual identified in a domestic relations order or court-approved property settlement agreement. Thus, employees will not be able to frustrate these orders by terminating the policy.

Mr. Speaker, the technical corrections made in this legislation, H.R. 1316, provide a greater protection for former spouses of Federal employees and children of previous marriages.

This bill has a broad bipartisan support, and I want to take just a moment to commend the gentleman from Maryland [Mr. CUMMINGS], the distinguished ranking member of the Subcommittee on Civil Service, for his work and leadership in expediting this legislation. I also want to thank other members of